

1859-002 Chancery Causes: Smith Crabtree vs. Heirs of Abraham Crabtree
Lee Co.

Wills, Wilson, Miles, Warner

CA - Estate Dispute
T - Property

To the Worshipful, the County Court
of Lee County Virginia.

The bill of complaint of Smith Crabtree of
said County respectfully represents that Abraham
~~Crabtree~~^{Crabtree} at the time of his death, was indebted to your Orator
in several amounts, viz: By Judgment for \$47.65, with
interest from the 21st day of August 1849 till payment
and 30¢ for Costs, obtained before A R. Dickinson, a Jus-
-tice of said County, on the 12th day of Sept. 1856. A judgment
for \$35.90, with interest from ~~the~~ 1st day of July 1844, till
payment and \$6.12. Costs, obtained at the term of the

Court of Lee County in the name of Stephen S.
Crockett, Apiece of John M. Crabtree, and obtained by
purchase from said Crockett by your Orator, A note for
\$23.18, due one day after date & dated 1st day of October
1855, executed to John D. Sharp & William A. Taylor
Administrators of the Estate of John D. Sharp, Deceased
and purchased by your Orator of said Adminrs. One note
for \$5.00. due at date & dated 9th October 1856, executed to
John D. Sharp & purchased by your Orator of said Sharp,
One Account for \$80.00, for money paid by Lee A. Crab-
tree as the Security of said Abraham in a Forth
-coming bond, on an execution on said bond, as shown
by the receipt of Edkinah Flanery, Deputy Sheriff of
Lee County, herewith filed, dated 20th January 1857.

~~All of which~~ which Account is subject to a credit
of \$29.28½, as endorsed on said receipt. ^{and shown by an account herewith filed marked (A)} All which
Judgments, notes and Accounts are here with filed
respectively marked (A) (B) (C) (D) and (E), and made
a part of this bill. On the judgment herewith
filed, marked (A) an execution issued, & was returned
no property found, whereupon your Orator had him
summoned before John D. Sharp a Commissioner in
Chancery to answer on oath, what property he

he had on which said execution was a lien. on oath, as fully & completely, as if pronounced he accordingly appeared and answered, ~~and~~ in the form of interrogatories, and that on which answers are herewith filed, marked (F) hearing of the case your Worships would render in favor of your ^{Orator} a decree subjecting

Said Abraham departed this life on the day said land to sale, and directing that out of the proceeds thereof the said debts, interest & costs equitable title to a tract of about thirty acres of ^{land} be paid to your Orator, together with the cost land lying on Shaver's Creek and Powell River of this suit; And that such other and further relief be granted to your Orator as may be consistent with Equity and good Conscience and suited to the nature of his case. And your Orator will ever pray &c. May the C. M. & W. writ of Sp. issue &c.

185: and at the time of his ^{death} had an tract or parcel of land there is a decree in favor of said Abraham Crabtree and John Muncy against said Skidmore Muncy's widow & heirs, when the purchase money should be paid. Your Orator asserts that said purchase money is now all paid, as will be seen by the receipt of William S. Martin Adminr of the estate of said Skidmore Muncy Decd. here with filed marked (G). Said receipt does not express on its face to be in full of said demand but was so in fact.

Your Orator would state that said Abraham Crabtree, left at his death the following named children & heirs at law, viz: William Crabtree, Francis A. Crabtree, Lewis Wills & Elizabeth ^{his wife} ~~Wills~~ formerly Elizabeth Crabtree, George Wilson & Mary, his wife, formerly Mary Crabtree, Charles P. Miles & Rebecca, his wife, formerly Rebecca Crabtree.

The prayer of your Orator therefore is that they be made parties Defendant to this bill, together with Ira Warner Administrator of the Estate of Abraham Crabtree Deceased, and be required to answer on oath the several allegations therein.

Johnston V. Sharp for Comptt

Smith Crabtree
vs } Bill in Chy
A Crabtree's heirs
and Administrator

1858. Oct 5th Bill filed & order
of Publication

1858. Nov. Continued

" Dec. Continued

" Dec. Continued

1859 Jan. Feb. March Cont.

" April Rules Continued

Smyth Crabtree

vs

In Chancery.

A Crabtree's Adminrs & heirs

This day this Cause Came on to be heard on The Bill and exhibits filed in the Cause, and it appearing to the Court that the Subpoena has been duly executed on Ira Warner Administrator of Abraham Crabtree, Decd, and on George Wilson and Mary, his wife; formerly Mary ~~Crabtree~~ ^{Crabtree}, and on Charles P. Miles and Rebecca, his wife; formerly Rebecca Crabtree, part of the heirs at law of said Abraham Crabtree, Decd; And it appearing ^{that} publication has been duly made, as to William Crabtree, Francis A. Crabtree Lewis Mills and Elizabeth, his wife; formerly Elizabeth Crabtree, non residents, the remaining heirs at law of said Abraham Crabtree, Decd; And none of them having appeared and answered the bill filed in this Case, the said bill is taken for confessed, And it is ordered, adjudged & decreed that John D. Sharp be appointed a Commissioner, whose duty it shall be, to sell ^{convey} the interest of said Abraham Crabtree in the tract or parcel of land described in Comptts bill, on a Credit of 6 months to the highest bidder, ^{the purchaser giving bond with approved security} after giving thirty days notice, by posting on the Court house door of Lee County for that space of time a notice of the time & place of sale, and out of the proceeds of sale to pay the said debts, ^{in said bill mentioned} principle, interest and if any remainder to said Warner Adminr as aforesaid, ~~est & costs, and also the Costs of this suit.~~ The said Commissioner shall Convey to the purchaser the right title & interest of the said Abraham Crabtree to said tract, or parcel of land, when ever the purchase money shall be paid, And ^{till which time} the Cause is Continued ~~till~~

S Crabbtree

¹¹
vs } Decree

A Crabbtree's

Adm^r & heirs

1858. Decem. Decree
order Book 254.5

Answers on oath to the interrogatories
filed by Smith Crabtree against Abraham
Crabtree

1st. I have no land, or interest in land, either
in or out of this State, except what is embraced
in a deed of Trust executed for the benefit of
John W. S. Morrison, Miles Vothers, and to John W. S. Mor-
rison & Co^{rs}. This trusts were given for debts more than
the property is worth.

2nd. I have no personal property except what
is embraced in said trusts.

3rd. I have no money or bank notes.

4th. I have ^{no} judgments, bonds, notes or accounts
or other evidences of debt, except a school
article, which I assigned over to A. R. Dickinson
& Co^{rs} & Co^{rs} Vothers, to secure debts owing to them.
Said assignment was made before this judgment
was obtained.

5th. I have no other property of any kind.

The above answers were ~~sworn to~~
before me on the 18th Sept 1856.

John D. Sharp
Commissioner
Circuit Court, Lee
County Virginia

Smith Crabbree
Answers
Abram Crabbree

(H)

$$\begin{array}{r} 35.90 \\ 14 \\ \hline 14360 \\ 3590 \\ \hline 50260 \\ 3015.60 \\ \hline 35.90 \\ 66.05 \\ \hline 101.95 \\ 32.00 \\ \hline \$148.05 \end{array}$$

Virginia Sw County Court

This day personally appeared before the undersigned a justice of said county & made oath that William Leabtree Francis A. Crabtree Lewis Wills and Elizabeth Wills are not residents of the State of Virginia to the best of his knowledge and belief given under my hand this 6th day of October 1858,

A. R. Campbell.

Smith Crabtree

vs } affidavit

Wm Crabtree & al

Wa Lee COUNTY, to wit:—To *Lewis Smith*, Constable of said County:
I HEREBY COMMAND YOU TO SUMMON *Abraham Crabtree* —
if to be found in your district, to appear at *my store house* — in the said County,
on the *12th* day of *Sept* — 1856, before me or such other Justice of the said County as
may then be there to try this warrant, to answer the complaint of *Smith Crabtree*
upon a claim for money not exceeding fifty dollars, exclusive of interest, to wit, for the sum of \$ *47.65*
due *21st of Augt 1849 by note* and then and there make return of this warrant. Given under my hand,
this *6th* day of *September* 1856. *A. R. Leiskunio* J. P.

Smith Crabtree
vs. *Abrah Crabtree* } [In debt.] *12* day of *Sept* 1856
at *my store*

JUDGMENT that the plaintiff recover of the defendant \$ *47.65* with interest from the *21* day of
Augt 1849 till paid, and \$ *30* for his costs.

Lee COUNTY, to wit:—To *Lewis Smith*, Constable of said County: *A. R. Leiskunio* J. P.
I COMMAND YOU, in the name of the Commonwealth of Virginia, that of the goods and chattels of *Abraham*
Crabtree — in your county, you cause to be made the sum of \$ *47.65*
with interest thereon from the *21* day of *Augt 1849* till paid, which *Smith*
Crabtree has recovered before *me* in a warrant
in debt, and also the sum of \$ *30* which were adjudged to the said *Smith Crabtree*
for costs in prosecuting his said warrant. Given under my hand, this

12 day of *Sept* 1856.

A. R. Leiskunio J. P.

Smith Crabtree

VS

Abram Crabtree

Executed Sept

the 12th 1856

Lewis Smith Const

No property found

Lewis Smith Const

(S)

1848

July 3-

S. S. Crockett assigned of John M. Crockett

27

Abraham Crabtree

Judgment that the
Plaintiff recover of the debt of \$35.90 with
legal interest from the first day of July
1844 till payment and the costs

92.49

22.50

8.63

5.50

6.12

Teste Jm H H Shoulte

Copy of
Judgment;
for Benefit of
J. J. Buckley
vs
Abraham Bradley

(13)

One day after date I bind myself my
heirs &c, to pay J D Sharp & Wm A Taylor
admin's of the estate of John D Sharp dec
twenty three dollars & 18 cts for value.
Witness my hand & seal This 1st day of
Oct. 1858

Abraham Coattine

A Credit to

note
\$23.18 —

Sharp &
Taylor Adm

(6)

~~to be paid to the order of
John Sharp & Co
Feb 11th 1871
to direct the note
to be paid to the order of
John Sharp & Co~~

The exec of George A Crabtree eighty dollars
on an execution against Abraham
Crabtree & G A Crabtree his security
in and judgment on a fourth carrying
bond in favour of Sarah Ewing this 20th
January 1857

Cr by amt pd in 1853 } Elkanah H. Lantry &
See A Crabtree's account filed herewith ——— \$29.28⁴

De cunctis of George & Elizabeth

(3)

Recd April 17th 1858.

Of Smith Brothers
Twenty Dollars which is to be paid
as a credit on a note in my hands
Executed by Abraham Brothers to Skidmore
Murray

W L Mastie

Wm S. Martin
To { Receipt
Smith Crabtree

\$20.00

(G)

Abraham Crabbree For 1837. George A. Crabbree Dr

To	Three Dollar cash	\$3.00
To	Six Dollars 37 1/2	6 37 1/2
To	One months work at	10.00
To	hooping Barrel and Tub	.75
To	Two pair of Shoes	.66
To	Twelve. Days work at Brick and one Barn	0.00
To	one day killing hogs & one day halting Plank	1.00
To	one day halting Plank self & man	.50
To	fifty cents worth of chickens	.50
To	sowing clover one day	.50

27.28 1/2

80.00
29.28

50.72

G. A. Crabtree
To } acct
A Crabtree

(H) (H)

Virginia: See County to-wit,

To John Parsons, Constable of said County,

You are hereby commanded to summon Abraham Crabtree to appear at my residence, in See County, on the 18th day of September 1856, to answer on oath the interrogatories filed by Smith Crabtree against him on a judgment obtained by said Smith Crabtree against him for \$47.65, before A R Dickinson, a justice of the peace in & for said County on the 12th day of Sept 1856. & then & there make return how you have executed this warrant. Given under my hand this 16th Sept 1856.

John D Sharp
Comm'r Circuit Court
See County Virginia

Interrogatories filed by Smith Crabtree before John D Sharp a Commissioner of the Circuit Court of See County, which Abraham Crabtree is required to answer on oath.

1st. What land or interest in land have you either in, or out of this State?

2nd. What personal property, or interest in personal property have you?

3rd. What money or bank notes have you?

4th. What judgments, bonds, notes, accounts, or other evidences of debt, have you? or have you an interest in?

5th. What other property of any kind soever, not embraced in the preceding interrogatories have you, or have you an interest in?

Samuel Crabtree
vs } Summons
vs } Interrogatories
vs } Judgment
Abraham Crabtree

executed by
John Parsons on
the 16th of September
1856

Const	30
Const	30
Commor	1.50
	<hr/>
	\$2.10

Virginia

At Rules held in the Clerks office of the County
Court of Sed County on Monday the ^{4th} day of Oct.
1838.

Smith Crabtree

Complainant

Against

William Crabtree, Francis A Crabtree Lewis Mills
& Elizabeth Mills, formerly Elizabeth Crabtree
George Wilson, and Mary ~~his wife~~ ^{Widow} formerly
Mary Crabtree, Charles P. Miles & Rebecca Miles
formerly Rebecca Crabtree, heirs at law of
Abraham Crabtree deceased and Ira Harcour
Administrator of the said Abraham Crabtree
Deceased

Defendants

In Chancery

The object of this Suit is to obtain a decree of the Court subjecting
of which the said Abraham Crabtree died seized, and possessed of
a certain tract or parcels of land, in the bill mentioned to sale,
for the ~~purpose of~~ ^{payment of} paying the several debts therein men-
tioned, and it appearing from satisfactory evidence that
William Crabtree, Francis Crabtree Lewis Mills and Elizabeth
Mills are not inhabitants of this commonwealth,

It is ordered that the said Defendants do appear here within
one month after due publication of this order, and answer
the bill of complainant, or do what is necessary to
protect their interests and that a copy of this order
be forthwith inserted in some newspaper published
in this commonwealth for four successive weeks and
posted at the door of the Court House of Sed County,

A Copy

Teste H. J. Morgan, C. C.

South Carolina
 as
 under direction
 of the Court

See County Court

This day Henry J. Morgan clerk of the county court
 of ^{See} county came before me Richard M. Hamblen clerk
 of the circuit court of said county and made oath that
 he had posted at the front door of the court house
 of said county on the 26th day of October 1858 a copy of
 the within order given under my hand this 6th
 day of October 1858

R. M. Hamblen Clk

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *William Crabtree Francis A. Crabtree Lewis Mills*
+ Elizabeth Mills formerly Elizabeth Crabtree George Wilson and Mary his
wife formerly Mary Crabtree, Charles P. Miles and Rebecca Miles formerly
Rebecca Crabtree, heirs at law of Abraham Crabtree deceased and
Era Warner Administrator of Abraham Crabtree deceased
to appear before the ^{*Justice*} ~~Judge~~ of our ~~Circuit~~ ^{*county*} Court for Lee county, at the Court House, *on the first Monday*
in October next ————— to answer
a bill in Chancery exhibited in our said Court against *them* by *Smith Crabtree*

Henry J. Morgan

And have then there this writ. WITNESS, ~~JOHN W. S. MORISON~~, Clerk of our said Court, at the Court House,
this *8th* day of *September* 1858, in the *83rd* year of the Commonwealth.

H. J. Morgan, C. C.

Smith Crabtree

vs } Spa Lohy

William Crabtree et al
Octr Rules 1858

Executed on 6
Miles survey E.B.
Coral Kitt & for
J. H. Allen & Co

Executed Sept 27th
1858 on J. H. Warner
George W. Wilson
& Mary Wilson
A. R. Russell D^r
for John H. Allen & Co

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *William Crabbie Francis A. Crabbie Lewis Mills*
+ *Elizabeth Mills formerly Elizabeth Crabbie. George Wilson and*
Mary his wife formerly Mary Crabbie Charles P. Mills and Rebecca
Mills ~~*formerly Rebecca Crabbie*~~ *his at law of Abraham Crabbie*
Deceased. + Ira Warner. Administrator of Abraham Crabbie deceased
to appear before the ~~*judge*~~ ^{*justice*} of our ~~*Court*~~ Court for Lee county, at the Court House, *on the 1st Monday*
in September next _____ to answer
a bill in Chancery exhibited in our said Court against *them* by *Smith Crabbie*

And have then there this writ. *Henry A. Morgan*
~~*Wm. J. Morgan*~~, Clerk of our said Court, at the Court House,
this *17th* day of *August* 1858, in the *83rd* year of the Commonwealth.

H. A. Morgan Ck.

Smith Crabbree

at } Spain Chy.

William Crabbree et al

Sept. Rules 1868,

Executed on
Jra Warner;
George W. Wilson
& Mary Wilson &
the other Defendants
are not residents
of the State

A. R. Ruffell
J.S.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *William Crabtree, Francis A. Crabtree, Lewis Wills, Elizabeth Wills, formerly Elizabeth Crabtree, George Wilson, Mary Wilson, formerly Mary Crabtree, Charles P. Miles, Rebecca P. Miles, formerly Rebecca P. Crabtree, Heirs at law of Abraham Crabtree deceased and Ira Warner administrator of Abraham Crabtree deceased*

to appear before the Judge of our Circuit Court for Lee county, at the Court House, on the 1st Monday in September next _____ to answer a bill in Chancery exhibited in our said Court against *Them* by *Smith Crabtree*

Henry A. Morgan

And have then there this writ. WITNESS, ~~JOHN W. S. MORISON~~, Clerk of our said Court, at the Court House, this *17th* day of *August* 1858, in the *83rd* year of the Commonwealth.

H. A. Morgan, Cb.

A. Copy Teste - H. A. Morgan, Cb.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—Greeting:

WE COMMAND YOU TO SUMMON

*Willcarr Crabtree, Francis A. Crabtree,
Lewis Wills, Elizabeth Wills formerly Elizabeth Crabtree, George Wilson
Mary Wilson, formerly Mary Crabtree, Charles P. Miles, Rebecca P.
Miles formerly, Rebecca P. Crabtree, heirs at law of Abraham
Crabtree deceased, and Ira Warner Administrator of
Abraham Crabtree deceased*

to appear before the Judge of our Circuit Court for Lee county, at the Court House, *on the 1st Monday
in September next* to answer
a bill in Chancery exhibited in our said Court against *them* by *Smith Crabtree*

Henry J. Morgan

And have then there this writ. WITNESS, ~~JOHN S. WILSON~~, Clerk of our said Court, at the Court House,
this *17th* day of *August* 185*8*, in the *89th* year of the Commonwealth.

*H. J. Morgan, C. C.,
A. Copy: Teste—H. J. Morgan C. C.,*

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *William Crabtree, Francis A. Crabtree*
Lewis Wills, Elizabeth Wills, formerly Elizabeth Crabtree, George Wilson,
Mary Wilson, formerly Mary Crabtree, Charles P. Miles, Rebecca P. Miles
formerly Rebecca P. Crabtree, Heirs at law of Abraham Crabtree deceased
and Ira Warner administrator of Abraham Crabtree
deceased,

to appear before the Judge of our Circuit Court for Lee county, at the Court House, *on the 1st Monday*
in September next — *Then* by *Smith Crabtree* to answer
a bill in Chancery exhibited in our said Court against

And have then there this writ. WITNESS, *Henry J. Morgan*
JOHN W. S. MORRISON, Clerk of our said Court, at the Court House,
this *17th* day of *August* 185*8*, in the *43rd* year of the Commonwealth.

H. J. Morgan
A copy Teste - H. J. Morgan, Clk.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—Greeting:

WE COMMAND YOU TO SUMMON

*William Crabtree, Francis A. Crabtree
Lewis Wills, Elizabeth Wills, formerly Elizabeth Crabtree, George
Wilson, Mary Wilson, formerly Mary Crabtree, Charles P. Miles,
Rebecca P. Miles, formerly Rebecca P. Crabtree Heirs at law of
Abraham Crabtree deceased & Ira Warner administrator of
Abraham Crabtree deceased*

to appear before the Judge of our Circuit Court for Lee county, at the Court House, *on the 1st Monday
in September next*

a bill in Chancery exhibited in our said Court against *Them* by *Smith Crabtree* to answer

Henry J. Morgan

And have then there this writ. WITNESS, ~~JOHN W. S. MORRISON~~, Clerk of our said Court, at the Court House,
this *17th* day of *August* 185*8*, in the *83rd* year of the Commonwealth.

H. J. Morgan, C. C.

A Copy Teste H. J. Morgan, C. C.

VIRGINIA, Washington County, to wit:

I do hereby certify that the annexed notice has been published, four weeks successively, in the ABINGDON VIRGINIAN, a newspaper printed in the town of Abingdon and State aforesaid.

Given under my hand

Wm Wm 1858

Printer's fee, \$

*Geo W Warner
Jr Ed Warner*

VIRGINIA.—At Rules held at the Clerk's
Office of the County Court of Lee County,
on Monday, the 4th day of October, 1858.
Smith Crabtree, Complainant,

AGAINST

William Crabtree, Francis A. Crabtree, Lewis
Wills and Elizabeth Wills, formerly Elizabeth
Crabtree, George Wilson and Mary Wilson,
formerly Mary Crabtree, Charles P. Miles and
Rebecca Miles, formerly Rebecca Crabtree,
heirs at law of Abraham Crabtree, deceased,
and Ira Warner, Administrator of the said
Abraham Crabtree, deceased. Defendants,

IN CHANCERY.

The object of this suit is to obtain a decree of
the Court subjecting a certain tract or parcel of
land, of which the said Abraham Crabtree, died
seized and possessed of, in the bill mentioned, to
sale, for the payment of the several debts therein
mentioned; and it appearing from satisfactory
evidence that William Crabtree, Francis A. Crab-
tree, Lewis Wills and Elizabeth Wills, are not in-
habitants of this Commonwealth, it is ordered
that the said defendants do appear here within
one month after due publication of this order,
and answer the bill of Complainant, or do what
is necessary to protect their interest, and that a
copy of this order be forthwith inserted in some
newspaper published in this Commonwealth, for
four successive weeks, and posted at the front
door of the Court House of Lee County.

A Copy.—Teste,

H. J. MORGAN, c. c.

Oct. 9.—4w.